

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
DANYELL THOMAS, RASHAUN F. FRAZER, :
ANDRAE WHALEY and ELENI MIGLIS, :
individually and on behalf of all other employees
similarly situated

Plaintiffs

v. :

Civil Action No. 16-cv-8160

BED BATH AND BEYOND, INC. :

Defendant.
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DECLARATION OF NICK GREW

I, Nick Grew, based on my personal knowledge of the facts stated herein, testify by

Declaration as follows:

1. I am over the age of 18 and am otherwise competent to testify to the matters contained in this Declaration, and if so called, would testify to the facts below.

2. All of the statements in this Declaration are true and accurate to the best of my knowledge.

3. I have personal knowledge of the facts set forth herein based on my experience working in Connecticut stores as well as one store in New York.

4. I became employed by Bed Bath and Beyond Inc. ("BBB") in 1996 as a Department Manager in Stamford, CT. I was eventually promoted to an Assistant Store Manager. In 1999, I became a Store Manager in Norwalk, CT. I worked thereafter as a Store Manager in Stamford, CT and in Elmsford, NY. I remained in Elmsford, NY as a Store Manager until 2004,

when I became a District Manager in Connecticut. Throughout my time as a District Manager, I have overseen approximately thirteen (13) stores total.

5. When I was an Assistant Store Manager, I worked in Store # 6 in Stamford, CT and was responsible for managing approximately 3 - 4 Department Managers and approximately 20 hourly Associates.

6. In my previous role as an Assistant Store Manager, my responsibilities included directing the daily activities of Department Managers and hourly Associates; training and developing associates; interviewing and hiring employees; counseling, disciplining, issuing warnings, and assisting in terminating Associates when appropriate.

7. In my capacity as a District Manager, I currently oversee eight (8) stores in Connecticut. The stores in my District range from medium to very high volume stores.

8. Typically, a BBB District Manager has responsibility for a number of stores in a particular geographic area. Reporting to the District Manager are Store Managers, each of whom is responsible for a single store. The Store Managers, in turn, have Assistant Store Managers reporting to them. Most, but not all, stores also have Department Managers who report to the Assistant Store Managers. Assistant Store Managers supervise the Department Managers and the hourly Store Associates. The number of Assistant Store Managers, Department Managers, and hourly Associates varies from store to store, depending on store volume. There are anywhere from zero (0) to six (6) Department Managers in each of the Connecticut stores.

9. BBB employs Department Managers for numerous departments. The number and types of departments in each store depends on geographic location of the store and store volume. Larger volume stores also have more specialized Department Managers. Examples of specialized Department Managers in my larger volume stores include Health and Beauty Department

Managers and Baby Department Managers. Additionally, some lower volume stores may not have Receiving Managers or Front End Managers, particularly the low volume stores with only one Department Manager total.

10. Often the amount of overtime that each Department Manager worked was dependent on the time of year and seasonal changeovers. For example, July, October, and February are the months where the stores are being changed for back to school, holiday, and summer seasons. The seasonal changeover process involved a significant amount of work over a several week span that would affect the number of overtime hours being worked by Department Managers who were responsible for getting their Department(s) ready for the upcoming season. The level of work required during the seasonal changeovers varied store-to-store, and is also influenced by the condition of the store itself.

11. The “inventory” process across the stores also greatly affected the number of overtime hours worked by Department Managers. “Inventory” refers to the process by which each physical item of merchandise in the store was physically counted. Larger volume stores had more inventory to count than small volume stores, and the frequency of the inventory process varied store to store. Some stores conducted inventory once each year while others did it every other year. When inventory was conducted, Department Managers typically worked additional overtime in order to assist in the inventory process. The amount of time required for the inventory process also varied depending on the number of departments in each store and the level of preparedness by the individual stores.

12. Similarly, personality traits of individual Department Managers affected the amount of overtime hours worked. Some Department Managers had more initiative and demonstrated more ownership over their departments. The more driven Department Managers

seeking to move up in the Company were more likely to work additional overtime hours in order to demonstrate leadership by volunteering to assist Assistant Store Managers or lending a hand to other Department Managers. On the other hand, some Department Managers who were willing to work extra overtime sometimes were simply unable to due to personal reasons.

13. The number of overtime hours worked by a Department Manager also varied depending on which department a manager was in. For example, Receiving Managers had less flexibility with their schedules because they were responsible for deliveries that come in the morning.

14. Additionally, some Department Managers had overtime opportunities as a result of being assigned to be the Manager On Duty ("MOD"), or the Key-Holder On-Duty. These roles were assigned by the Store Manager and shifts typically went to the more experienced or better performing Department Managers, after those Department Managers had completed additional training for the MOD role. In order to complete all of their normal work in addition to taking these shifts, these Department Managers may have had to work overtime.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of April 2017.

By: Nick Grew
Nick Grew
District Manager
Bed Bath and Beyond Inc.